

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TIMOTHY LEE KISSINGER,

Petitioner,

Case No. 4:04-cv-101

v.

Hon. Wendell A. Miles

TERRY PITCHER,

Respondent.

_____ /

JUDGMENT APPROVING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

On August 14, 2006, United States Magistrate Judge Hugh W. Brenneman, Jr. issued a Report and Recommendation ("R & R") recommending that petitioner's application for habeas corpus relief be dismissed. No objections were filed to the R& R.

The court, having reviewed the R & R filed by the United States Magistrate Judge in this action, and having reviewed the relevant portions of the file in this matter, determines that the Magistrate Judge has made a thorough and accurate review of all appealable issues and agrees with the reasoning and recommended disposition contained in the R & R. Therefore, the court hereby approves and adopts the R & R as the decision of the court.

IT IS HEREBY ORDERED that Petitioner's application for habeas corpus relief is denied.

Dated: August 31, 2006

/s/ Wendell A. Miles
Wendell A. Miles
Senior U.S. District Judge